

# **EXHIBIT B**

CLERK OF THE COURT  
Melody Gilmore, District Clerk  
PO Box 10145  
Liberty, Texas 77575-1014

ATTORNEY FOR PLAINTIFF  
Jason E. Williams  
1301 McKinney, Suite 510  
Houston, Texas 77010-3095  
RECEIVED 2010  
Mon 8 Day 6 Time 11:00 AM/PM  
P. ALLISON, CONSTABLE  
LIBERTY CO. PCT. 1

**NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."**

THE STATE OF TEXAS

TO: LIBERTY COUNTY, by and through County Judge Phil Fitzgerald, Respondent,  
Greetings;

You are hereby commanded to appear by filing a written answer to the Petitioner's Original Bill of Interpleader of Liberty Dayton Regional Medical Center, L.L.C. and Notice of Tender Into the Registry of the District Court, at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **75TH JUDICIAL DISTRICT COURT** of Liberty County, Texas at the Court House of said County in Liberty, Texas.

Said Petitioner's Petition was filed in said court on the 03<sup>rd</sup> day of August, 2010, in this cause, Numbered **CV1003340** on the docket of said court, and styled, **LIBERTY DAYTON REGIONAL MEDICAL CENTER, L.L.C., Plaintiff vs UNITED STATES DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE; THE CIT GROUP/EQUIPMENT FINANCING, INC. D/B/A TOSHIBA AMERICA MEDICAL CREDIT; GUNNAR ERICKSON; HALLMARK REHABILITATION GP, LLC; JACKIE LEONARD; CITY OF LIBERTY; AND LIBERTY COUNTY, Defendant.**

The nature of Petitioner's demand is fully shown by a true and correct copy of Petitioner's Original Bill of Interpleader of Liberty Dayton Regional Medical Center, L.L.C. and Notice of Tender Into the Registry of the District Court, accompanying this citation and made a part hereof.

The Officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Liberty, Texas, this the 06<sup>th</sup> day of August, 2010 A.D.

Attest Melody Gilmore, Clerk, District Court  
Melody Gilmore, District Clerk  
Liberty County, Texas

By Frances Kester, Deputy  
Frances Kester Deputy

Rule 106 "the citation shall be served by the officer delivering to each defendant, in person, a true copy of this citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto.

**SHERIFF'S RETURN**

Came to hand on 6 day of August, 2010, at 11:00 o'clock  
A. M., and executed in Liberty County, Texas by delivering to each of the  
 within-named Phil Fitzgerald, in person, a true copy of this Citation, having first endorsed  
 thereon the date of delivery, together with the accompanying true and correct copy of the  
 Plaintiff's Petition, at the following times and places, to wit:

Name	Date			Time			Place, and Course and Distance From Court House
	Month	Day	Year	Hour	Min.	....M.	
<u>Phil Fitzgerald</u>	<u>August</u>	<u>6</u>	<u>2010</u>	<u>11</u>	<u>03</u>	<u>A</u>	<u>1903 Sam Houston Liberty, Tx 77515</u>

And not executed as to the Respondent, \_\_\_\_\_ the diligence  
 used in finding \_\_\_\_\_ said Respondent, being:  
 \_\_\_\_\_ and the cause of  
 failure to execute this process is: \_\_\_\_\_  
 and the information received as to the whereabouts of the said Respondent, being:  
 \_\_\_\_\_

FEES — Serving \_\_\_\_\_ Copy \_\_\_\_\_  
 Total \$ \_\_\_\_\_

Terrell Allin Sheriff/Constable, Precinct  
 # 1  
Liberty County, Texas  
 By \_\_\_\_\_  
 Deputy

**CERTIFICATE OF DELIVERY**

I, do hereby certify that I delivered to Phil Fitzgerald, Defendant on the 6 day August,  
 2010, at 11:03 o'clock A. M. a copy of this instrument.

Terrell Allin Sheriff/Constable,  
 Precinct # 1  
 By \_\_\_\_\_, Deputy

**FILED**  
 at 11:55 o'clock A M

**AUG 10 2010**

**MELODY GILMORE**  
 Clerk, District Court, Liberty, TX  
 BY \_\_\_\_\_ DEPUTY